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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,233	01/19/2000	Scott D. Cook	3878	2923
22862	7590	10/03/2005		
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER DASS, HARISH T	
			ART UNIT 3628	PAPER NUMBER

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/487,233	Applicant(s) COOK ET AL.	
	Examiner Harish T. Dass	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55,57-66 and 68-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55,57-66 and 68-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/9/2004 has been entered.

DETAILED ACTION

Claims 56, 67 & 84 are canceled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 & 66, 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deming (US Patent 4,823,264) in view of Thomas et al (hereinafter Thomas, US 6173,272) and Buck, S. Peter, 1997 "From electronic money to electronic cash: payment on the Net", Logistics Information Management. Bradford: 1997.Vol.10, Iss. 6; pg. 289. Periodical ISSN/ISBN: 09576053; ProQuest document ID: 86066773 (hereinafter Peter).

Re. Claim 1, Deming discloses an electronic fund transfer (EFT) system/method/computer from payer's account to Payee or to Payee's account using National Automated clearing House Association (ACH) facility, [see entire document particularly, Abstract; C3 L3-L12], and receiving from the sender an amount of a funds transfer, a designation of a source account for the funds transfer, and contact information of the receiver sufficient for contacting the receiver, without receiving from the sender a designation of a target account of the receiver (payee's RTN not available) [C2 L33 to C3 L2; C3 L63 to C4 L11]; the host system providing a first instruction to the host financial institution to cause the transfer of funds from the source account [C3 L3-L29; C3 L63 to C4 L11; C4 L30-L59].

Deming, does not explicitly disclose a host system operating on a conventional computer system and communicatively coupled to a host financial institution that is an automatic clearinghouse (ACH) member at which is maintained a host account,

receiving from the receiver the designation of the target account for receiving the funds from the sender.

The host system providing a first instruction to the host financial institution; the host system providing a second instruction to the host financial institution to cause the transfer of the funds from the host account to the target account; Wherein any of the first instruction and the second instruction effects through an ACH network a number of ACH entities to transfer funds; wherein the sender is not required to have a previously

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established ACH originator relationship with an ACH member at which the sender's source account is maintained; and

wherein the receiver is not required to have a previously established ACH originator relationship with an ACH member at which the receiver's target account is maintained.

However, ACH is well-known where electronic entries received the ACH from depository financial institutions (members) are processed for settlement. Thomas discloses receiving from the receiver the designation of the target account for receiving the funds from the sender [Abstract; Figure 1, 2A, 3, 7; C3 L45 to C5 L34; C15 L1-L30]; the host system providing a first instruction to the host financial institution to cause the transfer of funds from the source account to host account (or account) [Figure 2A; C1 L60-L65];

the host system providing a second instruction to the host financial institution to cause the transfer of the funds from the host account to the target account [C6 L22-L23; C29 L33-L40; claim 26];

Wherein any of the first instruction and the second instruction effects through an ACH network a number of ACH entities to transfer funds [Figure 2 – the transfer path in a network can be through many point for example, bank to second bank, to Fed-Reserve, etc.];

wherein the sender is not required to have a previously established ACH originator relationship with an ACH member at which the sender's source account is maintained [C8 L35-L46; C22 L40-L52 – see CHIPS, NYACH]; and

wherein the receiver is not required to have a previously established ACH originator relationship with an ACH member at which the receiver's target account is maintained [C8 L35-L46; C22 L40-L52 – see CHIPS, NYACH] to enable the payor to initiate an electronic payment using host (external devices, banking system) system. Peter disclose receiving from the receiver the designation of the target account for receiving the funds from the sender [see entire document (13 pages) particularly pages 2-7] to allow user to make payment over the internet and transfer funds between individuals. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Deming, Thomas and Peter to enable the payer to initiate a cost effective electronic fund transfer system using personal computer, internet, financial host computer to individual or bank, etc.

Re. Claims 2-3 Deming discloses wherein the designation of the source account includes a routing/transit number and an account number (payor's routing and transfer number - RTN) [C3 L15-L16] and wherein the designation of the source account includes a routing/transit number and an account number (payee's routing and transfer number - RTN) [C3 L33].

Re. Claims 4-7, Deming disclose receiving the amount of the funds transfer (bill). Deming, explicitly, does not disclose receiving the amount of the funds transfer, the designation of the source account for the funds transfer, and the contact information of the receiver from the sender [C1 L5 to C3 L8]. Deming, explicitly, does not disclose the

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way the bill is received (i.e. by phone, email, web page, etc.). However, Thomas discloses these steps [C3 L14-L23]. Mail, Email, telephone, voice mail, voice over IP, on-line billing and pager are well known to one skill in the art as a common communication media used by the billers to communicate with customers, therefore one can combine the teaching of Doming and Thomas to present electronic bill information by electronic media, explained above, instead of regular mail to save time reduce cost.

Re. Claims 66, claim 66 is substantially similar to claim 1, therefor it is rejected with same rational as claim 1.

Re. Claim 68-70, claims 68-70 are substantially similar to claims 4-7, therefor it are rejected with same rational as claims 4-7

Claims 8-55, 57-65, 71-83 , 85-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deming in view of Thomas and **Peter**, as applied to claim 1 above, and further in view of Schrader et al (hereinafter Schrader, US 5,903,881).

Re. Claims 8-55 & 57-65 Deming discloses an electronic fund transfer (EFT) system/method/computer from payer's account to Payee or to Payee's account using National Automated clearing House Association facility, routing and transfer number, transaction amount, payer starts initiating EFT using PC and entering payee information (target information), identification code, description of transaction (bill identification), crediting the debiting accounts, means for verifying payers account code [Fig. 1; C1 L1

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to C4 L67]. Thomas discloses electronic funds transfer and bill presentment. Both Deming and Thomas substantially recite claims features. Neither Both Deming and Thomas nor **Peter**, explicitly, disclose registering and storing list of receiver, first account balance and second account balance, insufficient fund, and POS & ATM. However, Schrader discloses these steps [see entire document particularly, Abs; Fig. 9-12, 14-17; C1 L5-L34; C13 L65 to C14 L15; C15 L45 to C16 L39]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Deming, Thomas, **Peter** and Schrader to enable the payer (payers bank) make sure the payer's account has sufficient fund to be transferred and allow the payer to make payments by selecting a payee from a list of known payees using the dropdown button instead of re-entering the payee information.

Re. Claims 71-72, Deming, Thomas and **Peter** substantially disclose the claimed features (see Re. claims 1 & 66); therefore, Claims 71-72 are rejected under the same rational.

Re. Claims 73-83, Deming and Thomas substantially disclose the claimed features. Neither Deming nor Thomas, explicitly, discloses receiving account activity information, querying a balance of source account and balance exceeding the amount (overdraft). However, Schrader discloses these features [C1 L6 to C7 L15]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made

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to combine disclosures of Deming, Thomas, **Peter** and Schrader to enable the sender to reconcile its account and avoid overdraft and excess withdrawal.

Re. Claim 85-101, the claims contain features recited in above claims 1-66 and therefore claims 85-101 are rejected under a similar rationales.

Response to Arguments

3. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

BusinessWire, Dec. 8, 1999 "Intuit and Microsoft Advance Financial Info ExPetere on the Internet; Propose New Features for Open Financial ExPetere Version 2.0" Business Editors and High Tech Writers. Business Wire. New York: Dec 8, 1999. pg. 1; ProQuest document ID: 46982505 discloses Open Financial ExPetere (OFX) specification, where OFX allows financial institutions and technology companies to create products and services that work together, so financial information can be transferred between financial services companies, their technology outsourcers, and Web and PC-based financial software. For example, hundreds of financial institutions connect with popular personal and small business finance software packages such as Quicken(R), Microsoft(R) Money and QuickBooks(R) and server- based financial tools such

as Quicken TurboTax(R) for the Web(SM), MyAccounts on Quicken.com or MSN(TM) MoneyCentral(R) online personal finance service, via OFX today.

Bill Orr, "Microsoft/First Data: The instant giant of Internet bill payments", American Bankers Association. ABA Banking Journal. New York: Nov 1997. Vol. 89, Iss. 11; p. 95 (1 page) discloses bill payments using Internet.

JENNIFER KINGSON BLOOM "First Union - the Cyberbank - Seeking a Leg Up in Smart Cards", American Banker (pre-1997 Fulltext). New York, N.Y.: May 20, 1996. Vol. 161, Iss. 96; p. 6.A. discloses Internet payments and transfer funds between individuals

Rick Haliechuk, "The wired wallet Imagine it: Electronic cash is coming soon. So is paper money on the way out? Can you protect your privacy? And will Bill Gates become your banker?; [Final Edition]; Toronto Star. Toronto Star. Toronto, Ont.: Aug 19, 1995. p. C,1 discloses transfer funds to other individuals via private devices called electronic wallets.

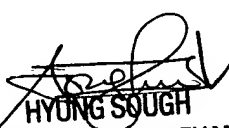
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

8/31/05


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